

**UNITED STATES DISTRICT COURT  
DISTRICT OF THE STATE OF SOUTH CAROLINA,  
FLORENCE DIVISION**

**JIMMIE CALLUM, Jr.,**

**Plaintiff,**

**v.**

**CVS PHARMACY, INC.;**  
**SOUTH CAROLINA CVS PHARMACY, LLC;**  
**et al.,**

**Defendants**

Case No. 4:14-cv-03481-BHH

**CONSENT MOTION FOR WITHDRAWAL OF APPEARANCE**

Movant, David C. Johnston (“Counsel”), respectfully moves for withdrawal of his appearance as *pro hac vice counsel* for Plaintiff (“Callum”) in the above-referenced matter. In support thereof, Counsel states the following:

1. Counsel’s withdrawal is permissible under the South Carolina Rules of Professional Conduct pursuant to Rule 1.16(b)(1) (“withdrawal can be accomplished without material adverse effect on the interests of the client”); Rule 1.16(b)(6) (“the representation will result in an unreasonable financial burden on the lawyer”); and/or Rule 1.16(b)(7) (“other good cause for withdrawal exists”).

2. Discovery is still pending in this matter, there are no scheduled hearings at this time, and the next deadline under the current Scheduling Order (Docket Entry No. 75) is not until July 25, 2016 (completion of discovery).

3. Presently before the Court is Defendant South Carolina CVS Pharmacy, LLC’s Motion for Rule 35 Examination of Plaintiff filed April 13, 2016 (Docket No. 81). Local Civil Rule 7.06 (D.S.C.) allows Plaintiff until April 27, 2016 [fourteen (14) days from day of service] to file his reply. The parties have not received notice of any scheduled hearing

1 for oral arguments on this motion.

2 4. As required by Local Civil Rule 83.I.07, Callum's mailing address and phone  
3 number are provided on the Certificate of Service, below, and Counsel states that he has  
4 advised Callum and that Callum and Callum's attorney(s) who will remain as counsel for  
5 Callum consent to Counsel's withdrawal.  
6

7 5. Counsel further states that he has given Callum reasonable notice of Counsel's  
8 intent to withdraw. The date(s) of the notice(s) are available to the Court upon request.  
9 Counsel has received confirmation of receipt by Callum of the notice(s) and Callum's  
10 written consent to Counsel's withdrawal.

11 6. Finally, Callum's South Carolina counsel has complied with its duty to consult  
12 under Local Civil Rule 7.02 before filing this motion and conferred with opposing  
13 counsel. Counsel for Defendants consent to this motion – as indicated by Defendants'  
14 counsels' signature below.  
15

16 WHEREFORE, David C. Johnston of the Law Office of David C Johnston, LLC,  
17 moves unopposed for an Order granting a withdrawal of his appearance as counsel for  
18 Plaintiff Jimmie Callum, Jr., and providing that he is relieved from any further  
19 responsibility associated with the representation of Callum in this case.

20 Respectfully submitted the 19th day of April, 2016

21 LAW OFFICE OF DAVID C JOHNSTON, LLC

22 By: s/David C Johnston  
23 David C. Johnston  
24 (CA Bar # 263735; OR Bar # 140957  
25 Law Office of David C Johnston, LLC  
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28 (541) 373-8705  
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1 *Pro Hac Vice* Attorney for Plaintiff

2 Filed by: s/ James T. Irvin, Jr.

3 James T. Irvin, Jr.  
4 Attorney for Plaintiff  
5 IRVIN LAW FIRM  
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8 **WE SO CONSENT:**

9 By: s/ C. Pierce Campbell  
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15 Attorneys for Defendants  
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I hereby certify that I served a copy of the foregoing ***Consent Motion for Withdrawal of Appearance*** (emailed via ECF to all counsel of record) on Plaintiff Jimmie Callum, Jr., by (i) depositing the same in the United States Mail with sufficient postage on this day addressed as follows and (ii) sending it by email to the Plaintiff listed below:

By: s/David C Johnston

GOLD BEACH, OR  
Dated: April 19, 2016